

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>V.</b>	)	<b>Case No: CR-18-173-D</b>
	)	
<b>MICHAEL MIZE,</b>	)	
	)	
	)	
<b>Defendant.</b>	)	

**DEFENDANT MICHAEL MIZE’S COMBINED SENTENCING  
MEMORANDUM AND MOTION FOR DOWNWARD DEPARTURE  
AND/OR VARIANCE**

Defendant Michael Mize by and through his attorney of record, Jason J. Murry, hereby submits for the Court’s consideration his Combined Sentencing Memorandum and Motion for Downward Departure and/or Variance.

**I. THE OFFENSE.**

Defendant Michael Mize offers no excuse for justification for his actions in this matter.

**II. APPROPRIATE SENTENCE.**

Mr. Mize does not object to the guideline calculation. However, the recommended guideline sentence is simply excessive and greater than necessary. 18 U.S.C. §3553.

Mr. Mize is currently serving a sentence of Two hundred thirty-five (235) months and has a projected release date of August 2033. Given these circumstances, it is quite clear that this exact offense fact pattern was not considered by the guidelines. Therefore, a below guideline sentence is warranted under U.S.S.G. § 5K 2.0(a)(2)(A)(B). The Court may also consider a concurrent sentence pursuant to

U.S.S.G. § 5G 1.3(d), as opposed to a “downward departure”. Furthermore, a review of the United States Sentencing Guideline Application Notes under the above sections essentially defers to the Court’s experience and discretion in matters such as this.

Considering the offense, harm inflicted, need to punish, deter others, and rehabilitate, it appears the recommended guideline sentence is excessive and unreasonable. To impose an additional lengthy sentence consecutive to the sentence Mr. Mize is currently serving is simply unnecessary under this set of facts. 18 U.S.C. §3553. Therefore, it is suggested that the Court should strongly consider a sentence significantly below the recommended guideline range.

**WHEREFORE**, premises considered, Defendant Michael Mize moves this Honorable Court to impose an sentence that is significantly below the recommended guideline range and, in accord with the sentencing factors set forth in 18 U.S.C. §3553, and for any and all other and further such relief as the Court may deem just and equitable.

Respectfully submitted,

s/Jason J. Murry

Jason J. Murry, OBA No.: 17555

2101 N. Santa Fe

Edmond, OK 73003

Phone: (405) 528-1285

Fax: (405) 285-2121

*Attorney for the Defendant,*

*Michael Mize*

**CERTIFICATE OF MAILING**

I certify that I filed the above and foregoing document utilizing the Court's EFC filing system and no non-EFC parties are known to counsel.

s/Jason J. Murry

Jason J. Murry, OBA No.: 17555

2101 N. Santa Fe

Edmond, OK 73003

Phone: (405) 528-1285

Fax: (405) 285-2121

*Attorney for the Defendant,*

*Michael Mize*